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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of

Communications Assistance
for Law Enforcement Act

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CC Docket No. 97-213

COMMENTS OF SOUTHERN COMMUNICATIONS SERVICES, INC.

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COMMENTS OF SOUTHERN COMMUNICATIONS SERVICES, INC.

Southern Communications Services, Inc. files this petition in response to a public notice released by the Federal Communications Commission on April 20, 1998 that solicits comments on several petitions regarding implementation of the Communications Assistance for Law Enforcement Act (CALEA). The Commission solicited comments on a March 30, 1998 petition requesting an extension of the October 25, 1998 CALEA compliance deadline filed by AT&T Wireless Services, Inc. (AWS), Lucent Technologies Inc. (Lucent), and Ericsson Inc. (Ericsson).¹

Southern Communications Services, Inc. agrees with AWS, Lucent and Ericsson that the Commission should extend the deadline until October 24, 2000 because CALEA-compliant hardware and software are not yet available and will not be available before October 25, 1998.

¹ Hereinafter "AWS Petition."

At the outset Southern wishes to note that its comments in this matter concern the compliance deadline for dispatch-oriented SMR systems such as Southern's. While Southern can not address the technological issues facing other services such as cellular or PCS, Southern recognizes that there is broad consensus amongst industry that compliance with the October 25, 1998 CALEA deadline is not achievable for most wireless telecommunications services. As a result, Southern would support a blanket two-year extension of the compliance deadline for all wireless carriers. These comments, however, discusses only those technological obstacles unique to carriers that operate dispatch-oriented SMR systems.

I. INTRODUCTION

1. Southern Company, an electric public utility holding company, operates through its subsidiary, Southern Communications Services, Inc. (Southern) a wide-area 800 MHz Specialized Mobile Radio (SMR) system throughout its regional service area. Southern has invested millions of dollars in this state-of-the-art digital SMR system which provides enhanced dispatch communications using Motorola's unique iDEN technology. This system transmits local dispatch communications to the service crews of Southern's utility operating companies and tens of thousands of external customers, the bulk of which are state and local governments, utilities, industrial and commercial users who need the enhanced dispatch, two-way voice, and data transmission capabilities of Southern's wide-area SMR system. The Southern 800 MHz SMR system provides service for these customers in rural and urban areas corresponding with its utility system operations.

II. COMMENTS

A. The FCC Has Authority Under CALEA To Extend the Deadline

2. Under Section 107 of CALEA, the FCC “may, after consultation with the Attorney General, grant an extension ... if the Commission determines that compliance with the assistance capability requirements under section 103 is not reasonably achievable through application of technology available within the compliance period.”² The extension may extend “no longer than the earlier of”: 1) a date two years after the date on which the extension is granted; or 2) the date “determined by the Commission as necessary for the carrier to comply.” As is discussed below, no CALEA-compliant technology currently exists for Southern’s dispatch SMR system, and, according to Southern’s vendor, none will be available prior to the October 25, 1998 deadline.

3. Southern believes it is eligible to be deemed in compliance under the provisions of Section 109 of CALEA.³ Nevertheless, since Southern must first seek an administrative determination by the FBI of its status, and the October 1998 compliance deadline is rapidly approaching, Southern requests the FCC grant a two year extension of the compliance deadline

² 47 U.S.C. § 1006(c)(emphasis added).

³ Under Section 109, a carrier may petition the Attorney General for reimbursement of costs associated with CALEA compliance for “equipment, facilities, and services installed or deployed on or before January 1, 1995.” 47 U.S.C. § 1008(a). If a carrier is denied such reimbursement, it will be deemed in compliance. 47 U.S.C. § 1008(d).

for dispatch-oriented SMR systems. Southern reserves the right to petition the FCC for an additional extension, as is permitted under Section 107,⁴ depending on when technical standards are finally adopted and whether those standards are reasonably achievable.

B. CALEA-Compliant Hardware or Software Solutions for Dispatch-Oriented SMR Systems Are Non-Existent

4. Southern and a limited number of other SMR providers are able to offer digital dispatch communications using Motorola's iDEN technology. It is not currently technically feasible for SMR carriers relying on this technology to meet the capability requirements of Section 103 of CALEA.⁵ Southern would have to make extensive modifications to its system to include new interfaces to the network components as well as a new dispatch processor, the heart of its communications system. Southern estimates that at a minimum it would have to: 1) replace the current interfaces to the public switched network, dispatch processor, and short message processor; 2) acquire a new fast access processor and new call record processors for all three interfaces; 3) acquire a new interface to the new call record processors; 4) acquire new fast access systems to the new call record processors; 5) establish new routing mechanisms to law enforcement; and 6) customize all interfaces to avoid detection of the intercept by the user.

⁴ 47 U.S.C. § 1006(c).

⁵ Section 103 of the Act lays out the four basic technical requirements that telecommunications carriers must meet in order to assist law enforcement. These include the ability to: 1) quickly isolate all wire and electronic communications within its system to or from a specific user; 2) quickly isolate reasonably available call-identifying information; 3) deliver such information to a location specified by the government; and 4) conduct such interceptions so that users are unaware they are occurring.

Regardless of the tremendous costs associated with such fundamental changes, Southern can not reengineer and/or replace the major components and interfaces of its digital dispatch system since there is no equipment on the market today which can support both digital dispatch communications and CALEA's intercept requirements.

5. Dispatch-oriented SMR systems such as Southern's are uniquely handicapped in their attempts to comply with CALEA because none of the standards proposed to date address SMR dispatch systems. As pointed out in the AWS Petition, vendors will be reluctant to develop CALEA-compliant solutions in the face of uncertain technical standards. Technical standards for SMR systems are not just uncertain, they are non-existent. There is no mention of SMR standards in the TIA interim standard, the FBI's proposed technical standards, the FBI implementation report to Congress, or even the FBI final notice of capacity, which addresses only cellular and PCS. The FBI has not identified a "punch list" for dispatch systems using Motorola's iDEN technology, although Southern understands that discussions about these issues have taken place. The focus on other CMRS systems is not surprising in light of the House Report accompanying CALEA which is full of specific references to the FBI's concerns with cellular and PCS systems, but is silent on dispatch-oriented SMR systems.⁶ This void suggests, however, that dispatch-oriented SMR systems, such as Southern's, should receive at least a two year extension, until October 24, 2000, and may require more time depending upon when technical standards specific to dispatch SMR systems are finally adopted, and whether those standards are reasonably achievable.

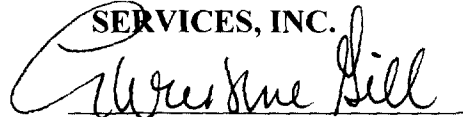
⁶ H.R. Rep. 103-827, 103d Cong. 2d Sess., pt. 1 (1994).

III. CONCLUSION

6. Southern supports the Commission's implementation of CALEA and will continue to make every effort to cooperate with authorized law enforcement intercepts within the technical parameters of its existing communications network. Southern asks the Commission to consider, however, that compliance is a currently a technical impossibility. In recognition of the practical difficulties associated with compliance, Congress granted the FCC the authority to take a reasonable approach in implementing CALEA by allowing them to extend the compliance deadline. Southern respectfully urges the FCC to consider exercising this authority to extend the CALEA compliance deadline for digital dispatch-oriented SMR carriers at least until October 24, 2000, or until such time as it would be technically feasible for them to comply.

Respectfully submitted,

**SOUTHERN COMMUNICATIONS
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May 1998, I caused true and correct copies of the
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delivery on:

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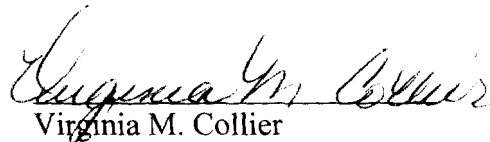
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